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**U.S. District Court
DISTRICT OF KANSAS (Kansas City)
CRIMINAL DOCKET FOR CASE #: 2:15-mj-08255-JPO-2**

Case title: USA v. Leon et al

Date Filed: 10/21/2015

Other court case number: 3:15-CR-432-M Northern District
of Texas

Date Terminated: 10/26/2015

Assigned to: Magistrate Judge James P.
O'Hara

Defendant (2)

Patricia Torres

TERMINATED: 10/26/2015

also known as

Martha

TERMINATED: 10/26/2015

represented by **Ryan C. Hudson**

Berkowitz Oliver Williams Shaw &

Eisenbrandt, LLP - KCMO

2600 Grand Boulevard, Suite 1200

Kansas City, MO 64108

816-561-7007

Fax: 816-561-1888

Email: rhudson@berkowitzoliver.com

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Designation: CJA Appointment

Bar Number: 22986

Bar Status: Active

Pending Counts

None

Disposition

Highest Offense Level (Opening)

None

Terminated Counts

None

Disposition

Highest Offense Level (Terminated)

None

Complaints

21:841(a)(1) and (b)(1)(B)(viii) -
 Conspiracy to Possess with Intent to
 Distribute a Controlled Substance.
 Removal of arrested defendants to
 Northern District of Texas.

Disposition**Plaintiff**

USA

represented by **James T. Ward**
 United States Attorney's Office -
 District of Kansas
 500 State Avenue, Suite 360
 Kansas City, KS 66101
 913-551-6730
 Email: james.ward2@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Retained
Bar Number: 23356
Bar Status: Active

Trent M. Krug
 Office of United States Attorney -
 Kansas City
 500 State Avenue, Suite 360
 Kansas City, KS 66101
 913-551-6533
 Fax: 913-551-6541
 Email: Trent.Krug@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Retained
Bar Number: 19454
Bar Status: Active

Email All Attorneys

Email All Attorneys and Additional Recipients

Date Filed	#	Docket Text
10/21/2015		ARREST (Rule 5(c)(3) Out) of Joshua A. Leon, Patricia Torres (kao) (Entered: 10/22/2015)
10/21/2015	3	MINUTE ENTRY for proceedings held before Magistrate Judge Teresa J. James: CJA Counsel appointed. INITIAL APPEARANCE IN RULE 5(c)(3) PROCEEDINGS as to Patricia Torres held on 10/21/2015. ID/Removal Hearing - waived. Government's Oral Motion for pretrial detention and a continuance of

		that hearing is granted. Detention Hearing set for 10/26/2015 at 11:30 AM in KC Courtroom 223 (JPO) before Magistrate Judge James P. O'Hara. Defendant remanded to custody. (Tape #11:45 FTR/TJJ.) (kao) (Entered: 10/22/2015)
10/21/2015	<u>4</u>	CJA 23 FINANCIAL AFFIDAVIT by Patricia Torres. (kao) (Entered: 10/22/2015)
10/21/2015	<u>5</u>	ORDER APPOINTING CJA ATTORNEY as to Patricia Torres: Appointment of Attorney Ryan C. Hudson. Signed by Magistrate Judge Teresa J. James on 10/21/15. (kao) (Entered: 10/22/2015)
10/26/2015	<u>7</u>	MINUTE ENTRY for proceedings held before Magistrate Judge James P. O'Hara: DETENTION HEARING as to Patricia Torres held on 10/26/2015. Oral motion by Government for pretrial detention of defendant is DENIED. Release Order executed. Defendant's next appearance: November 18, 2015, at 2:00 p.m., before U.S. Magistrate Judge Paul D. Stickney, Courtroom 1620, 1100 Commerce Street, Dallas, Texas 75242. (Tape #11:41 FTR.JPO.) (Attachments: # <u>1</u> Waiver, # <u>2</u> Order Setting Conditions of Release) (kao) (Entered: 10/26/2015)
10/26/2015	8	RULE 5(c)(3) REMOVAL HEARING PAPERS SENT TO Northern District of Texas as to Joshua A. Leon, Patricia Torres. (THIS IS A TEXT ENTRY ONLY) (kao) (Entered: 10/26/2015)
10/26/2015	<u>9</u>	NOTICE to Northern District of Texas of a Rule 5 Initial Appearance as to Joshua A. Leon, Patricia Torres. Your case number is: 3:15-CR-432-M. Docket sheet and documents attached. (If you require certified copies of any documents, please send a request to ksd_clerks_kansascity@ksd.uscourts.gov. If you wish to designate a different email address for future transfers, send your request to InterDistrictTransfer_TXND@txnd.uscourts.gov.) (kao) (Entered: 10/26/2015)

UNITED STATES OF AMERICA

v.

PATRICIA TORRES

Case No: 15-MJ-8255-JPO
AUSA: James Ward and Trent Krug

Deft. Atty.: Ryan Hudson (cja)

JUDGE:	Teresa J. James	DATE:	October 21, 2015
DEPUTY CLERK:	Yolanda Holman	TAPE/REPORTER:	FTRTjj 11:45 AM
INTERPRETER:		PRETRIAL/PROBATION:	Amanda Hudson

Length of Hearing: _____ Hr(s) Min(s) 0
Hearing Concluded: x Yes _____ No

PROCEEDINGS

<input checked="" type="checkbox"/> Rule 5 Hearing	<input type="checkbox"/>	Initial Revocation Hearing	<input type="checkbox"/>	Bond Hearing
<input checked="" type="checkbox"/> ID/Removal Hearing	<input type="checkbox"/>	Held <input checked="" type="checkbox"/> Waived	<input type="checkbox"/>	Bond Revocation Hearing
<input type="checkbox"/> Preliminary Hearing	<input type="checkbox"/>	Held <input type="checkbox"/> Waived	<input type="checkbox"/>	Arraignment
<input type="checkbox"/> Detention Hearing	<input type="checkbox"/>	Held <input type="checkbox"/> Waived	<input type="checkbox"/>	
<input type="checkbox"/> Discovery Conference	<input type="checkbox"/>	Held <input type="checkbox"/> Waived	<input type="checkbox"/>	
<input type="checkbox"/> Interpreter	<input type="checkbox"/>	Appointed <input type="checkbox"/> Sworn		
<input checked="" type="checkbox"/> Charges and penalties explained to defendant				
<input checked="" type="checkbox"/> Defendant sworn and examined re: financial ability to retain counsel				
<input checked="" type="checkbox"/> Counsel appointed	<input type="checkbox"/>	At defendant's expense		
<input checked="" type="checkbox"/> Constitutional rights explained	<input type="checkbox"/>	Felony <input type="checkbox"/> Misdemeanor		
<input type="checkbox"/> Defendant declined to waive indictment		<input type="checkbox"/> Will be presented by next Grand Jury		
<input type="checkbox"/> Signed Waiver of Indictment				
<input type="checkbox"/> Advised of rights	<input type="checkbox"/>	Rule 20		
<input type="checkbox"/> Signed Consent to Transfer (Rule 20)				
<input type="checkbox"/> Petition to Enter Plea Filed		<input type="checkbox"/> Plea Agreement Attached		
<input type="checkbox"/> Transfer to the _____ District of _____				
<input type="checkbox"/> ARRAIGNMENT AND PLEA:			<input type="checkbox"/> No. of Counts _____	
<input type="checkbox"/> Waived Reading of	<input type="checkbox"/>	Indictment <input type="checkbox"/> Information	<input type="checkbox"/>	Read to Defendant
<input type="checkbox"/> Previous Plea	<input type="checkbox"/>	Guilty <input type="checkbox"/> Not Guilty		Counts: _____ Withdrawn
<input type="checkbox"/> Guilty				Counts: _____ Accepted
<input type="checkbox"/> Not Guilty				Counts: _____
<input type="checkbox"/> Bail fixed at	<input type="checkbox"/>	Bail denied	<input type="checkbox"/>	Bail remains denied
<input type="checkbox"/> \$ _____	<input type="checkbox"/>	Unsecured	<input type="checkbox"/>	Secured
<input type="checkbox"/> Release Order	<input type="checkbox"/>	Executed	<input type="checkbox"/>	Continued in effect
<input checked="" type="checkbox"/> Deft. remanded to custody	<input type="checkbox"/>	Pending compliance with conditions of release		
<input checked="" type="checkbox"/> Temporary Detention Ordered				

Deft's next appearance: Detention Hearing set Monday, October 26, 2015 at 11:30 a.m. before Magistrate Judge James P. O'Hara.

Miscellaneous: Government's Oral Motion for pretrial detention and a continuance of that hearing is granted.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

UNITED STATES OF AMERICA,)	
Plaintiff,)	
)	
vs.)	Case No. 15-MJ-8255-JPO
)	
)	
PATRICIA TORRES,)	
Defendant.)	
_____)	

ORDER APPOINTING COUNSEL

NOW on this 21st day of October 2015, the Court, upon a showing that the defendant is financially unable to employ counsel and does not wish to waive counsel, hereby orders that Ryan Hudson be appointed as counsel for Patricia Torres, pursuant to the provisions of the Criminal Justice Act, 18 U.S.C. §3006A.

This appointment is effective October 21, 2015.

s/Teresa J. James _____
The Honorable Teresa J. James
United States Magistrate Judge

UNITED STATES OF AMERICA

v.

PATRICIA TORRES

Case No: 15-8255-02-JPO
AUSA: James Ward
Deft. Atty.: Ryan Hudson

JUDGE:	James P. O'Hara	DATE:	October 26, 2015
DEPUTY CLERK:	Kathy Grant	TAPE/REPORTER:	11:41 FTR/JPO
INTERPRETER:	N/A	PRETRIAL/PROBATION:	Amanda Hudson

Length of Hearing: _____ Hr(s) Min(s) <u>45</u>	Location: Kansas City, Kansas
Hearing Concluded <u>X</u> Yes ___ No	

PROCEEDINGS

<input type="checkbox"/> Rule 5 Hearing	<input type="checkbox"/> Initial Revocation Hearing	<input type="checkbox"/> Bond Hearing
<input type="checkbox"/> ID/Removal Hearing	<input type="checkbox"/> Held <input type="checkbox"/> Waived	<input type="checkbox"/> Bond Revocation Hearing
<input type="checkbox"/> Preliminary Hearing	<input type="checkbox"/> Held <input type="checkbox"/> Waived	<input type="checkbox"/> Arraignment
<input checked="" type="checkbox"/> Detention Hearing	<input checked="" type="checkbox"/> Held <input type="checkbox"/> Waived	<input type="checkbox"/>
<input type="checkbox"/> Discovery Conference	<input type="checkbox"/> Held <input type="checkbox"/> Waived	

<input type="checkbox"/> Interpreter	<input type="checkbox"/> Appointed	<input type="checkbox"/> Sworn
<input type="checkbox"/> Charges and penalties explained to defendant		
<input checked="" type="checkbox"/> Defendant sworn		
<input type="checkbox"/> Defendant examined re: financial ability to retain counsel		
<input type="checkbox"/> Counsel appointed	<input type="checkbox"/> At defendant's expense	
<input type="checkbox"/> Constitutional rights explained	<input type="checkbox"/> Felony	<input type="checkbox"/> Misdemeanor
<input type="checkbox"/> Defendant declined to waive indictment	<input type="checkbox"/> Will be presented by next Grand Jury	
<input type="checkbox"/> Signed Waiver of Indictment		
<input type="checkbox"/> Advised of consular notification rights		
<input type="checkbox"/> Signed Consent to Transfer (Rule 20)		
<input type="checkbox"/> Petition to Enter Plea Filed	<input type="checkbox"/> Plea Agreement Attached	
<input type="checkbox"/> Transfer to the _____ District of _____		
<input checked="" type="checkbox"/> Oral motion by Government for pretrial detention of defendant is DENIED.		

<input type="checkbox"/> ARRAIGNMENT AND PLEA:	<input type="checkbox"/> No. of Counts _____
<input type="checkbox"/> Waived Reading of	<input type="checkbox"/> Read to Defendant
<input type="checkbox"/> Previous Plea	Counts: _____ Withdrawn
<input type="checkbox"/> Guilty	Counts: _____ Accepted
<input type="checkbox"/> Not Guilty	Counts: _____

<input type="checkbox"/> Bail fixed at	<input type="checkbox"/> Bail denied	<input type="checkbox"/> Bail remains denied
<input type="checkbox"/> \$ _____	<input type="checkbox"/> Unsecured	<input type="checkbox"/> Secured
<input checked="" type="checkbox"/> Release Order	<input checked="" type="checkbox"/> Executed	<input type="checkbox"/> Continued in effect
<input type="checkbox"/> Deft. remanded to custody	<input type="checkbox"/> Pending compliance with conditions of release	
<input type="checkbox"/> Detention Ordered		

Case Management Meet and Confer:

Speedy Trial Act motions filed by:

Status Conference:

Deft's next appearance: **November 18, 2015, at 2:00 p.m., before U.S. Magistrate Judge Paul D. Stickney, Courtroom 1620, 1100 Commerce Street, Dallas, Texas 75242.**

Miscellaneous:

UNITED STATES DISTRICT COURT

FOR THE

DISTRICT OF

KANSAS

UNITED STATES OF AMERICA

WAIVER OF RULE 5 & 5.1 HEARINGS

(Complaint/Indictment)

V.
PATRICIA TORRES

CASE NUMBER: 15-MJ-8255-JPO

Defendant

CHARGING DISTRICTS
CASE NUMBER: 15-CR-432-M

I understand that charges are pending in the _____ District of _____ Kansas
alleging violations of _____ 21:846, 841(a)(1) and (b)(1)(B)(viii) _____ and that I have been
(Title and Section)

arrested in this district and taken before a judge, who has informed me of the charge(s) and my rights to:

- (1) retain counsel or request the assignment of counsel if I am unable to retain counsel;
- (2) an identity hearing to determine whether I am the person named in the charges;
- (3) a preliminary hearing (unless an indictment has been returned or information filed) to determine whether there is probable cause to believe an offense has been committed by me, the hearing to be held in this district or the district of prosecution; and
- (4) Request transfer of the proceedings to this district under Rule 20, Fed. R. Crim. P., in order to plead guilty.

I HEREBY WAIVE (GIVE UP) MY RIGHT TO A(N):

- (☒) identity hearing
(☐) preliminary hearing
(☐) identity hearing but request a preliminary hearing be held in the prosecuting district and, therefore, consent to the issuance of an order requiring my appearance in the prosecuting district where the charges are pending against me.

October 26, 2015

Date

Defendant

Defense Counsel

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

FILED

OCT 26 2015

UNITED STATES OF AMERICA

v.

Case No. 15-8255-02-JPO

Clerk, U.S. District Court
By [Signature] Deputy Clerk

PATRICIA A. TORRES

ORDER SETTING CONDITIONS OF RELEASE

IT IS ORDERED that the release of the defendant is subject to the following conditions:

- (1) The defendant shall not commit any offense in violation of federal, state or local law while on release in this case.
- (2) The defendant shall immediately advise the court, defense counsel and the U.S. attorney in writing before any change in address and telephone number.
- (3) The defendant shall appear at all proceedings as required and shall surrender for service of any sentence imposed as directed. The defendant shall next appear on **November 18, 2015, at 2:00 p.m., before U.S. Magistrate Judge Paul D. Stickney, Courtroom 1620, 1100 Commerce Street, Dallas, Texas 75242.**

Release on Personal Recognizance or Unsecured Bond

IT IS FURTHER ORDERED that the defendant be released provided that:

- ☒ (4) The defendant promises to appear at all proceedings as required and to surrender for service of any sentence imposed.
- ☐ (5) The defendant executes an unsecured bond binding the defendant to pay the United States the sum of _____ dollars (\$ _____) in the event of a failure to appear as required or to surrender as directed for service of any sentence imposed.

ADDITIONAL CONDITIONS OF RELEASE

Upon finding that release by one of the above methods will not by itself reasonably assure the appearance of the defendant and the safety of other persons and the community.

IT IS FURTHER ORDERED that the release of the defendant is subject to the conditions marked below:

☐ (6) The defendant is placed in the custody of:
 (Name of person or organization) _____

who agrees (a) to supervise the defendant in accordance with all the conditions of release, (b) to use every effort to assure the appearance of the defendant at all scheduled court proceedings, and (c) to notify the court immediately in the event the defendant violates any conditions of release or disappears.

Signed: _____
 Custodian or Proxy Date

- ☒ (7) The defendant shall:
- ☒ (a) report to the supervising pretrial services officer as directed and follow all instructions.
 - ☐ (b) execute a bond or an agreement to forfeit upon failing to appear as required the following sum of money or designated property: _____
 - ☐ (c) post with the court the following indicia of ownership of the above-described property, or the following amount or percentage of the above-described _____
 - ☐ (d) execute a bail bond with solvent sureties in the amount of \$ _____
 - ☒ (e) maintain or actively seek employment.
 - ☐ (f) maintain or commence an education program.
 - ☒ (g) surrender any passport to Probation/Pretrial Services.
 - ☒ (h) obtain no passport.
 - ☒ (i) abide by the following restrictions on personal association, place of abode, or travel: remain in the United States.
 - ☒ (j) avoid all contact, directly or indirectly, with any persons who are or who may become a victim or potential witness in the subject investigation or prosecution, including but not limited to: all co-defendants.
 - ☐ (k) undergo medical or psychiatric treatment and/or remain in an institution as follows: _____
 - ☐ (l) return to custody each (week) day as of _____ o'clock after being release each (week) day as of _____ o'clock for employment, schooling, or the following limited purpose(s): _____
 - ☐ (m) maintain residence at a halfway house or community corrections center, as deemed necessary by the pretrial services office or supervising officer.
 - ☒ (n) refrain from possessing a firearm, destructive device, or other dangerous weapons.
 - ☐ (o) refrain from ☐ any ☐ excessive use of alcohol.
 - ☒ (p) refrain from use or unlawful possession of a narcotic drug or other controlled substances defined in 21 U.S.C. § 802, unless prescribed by a licensed medical practitioner.
 - ☒ (q) submit to any method of testing required by the pretrial services officer or the supervising officer for determining whether the defendant is using a prohibited substance. Such methods may be used with random frequency and include urine testing, the wearing of a sweat patch, a remote alcohol testing system, and/or any form of prohibited substance screening or testing.
 - ☐ (r) participate in a program of inpatient or outpatient substance abuse therapy and counseling if deemed advisable by the pretrial services office or supervising officer.
 - ☒ (s) refrain from obstructing or attempting to obstruct or tamper, in any fashion, with the efficiency and accuracy of any prohibited substance testing or electronic monitoring which is (are) required as a condition(s) of release.
 - ☐ (t) participate in one of the following home confinement program components and abide by all the requirements of the program which
 - ☐ will or ☐ will not include electronic monitoring or other location verification system. You shall pay all or part of the cost of the program based upon your ability to pay as determined by the pretrial services office or supervising officer.
 - ☐ (i) **Curfew.** You are restricted to your residence every day ☐ from _____ to _____, or ☐ as directed by the pretrial services office or supervising officer; or
 - ☐ (ii) **Home Detention.** You are restricted to your residence at all times except for employment; education; religious services; medical, substance abuse, or mental health treatment; attorney visits; court appearances; court-ordered obligations; or other activities as pre-approved by the pretrial services office or supervising officer; or
 - ☐ (iii) **Home Incarceration.** You are restricted to your residence at all times except for medical needs or treatment, religious services, and court appearances pre-approved by the pretrial office or supervising officer.
 - ☒ (u) report as soon as possible, to the pretrial services office or supervising officer any contact with any law enforcement personnel, including, but not limited to, any arrest, questioning, or traffic stop.
 - ☒ (v) pay a co-ay, at the discretion of the pretrial services officer, for any and all services provided to him/her during the term of supervision.
 - ☐ (w) _____
 - ☐ (x) _____

Advice of Penalties and Sanctions

TO THE DEFENDANT:

YOU ARE ADVISED OF THE FOLLOWING PENALTIES AND SANCTIONS:

A violation of any of the foregoing conditions of release may result in the immediate issuance of a warrant for your arrest, a revocation of release, an order of detention, and a prosecution for contempt of court and could result in a term of imprisonment, a fine, or both.

The commission of a Federal offense while on pretrial release will result in an additional sentence of a term of imprisonment of not more than ten years, if the offense is a felony; or a term of imprisonment of not more than one year, if the offense is a misdemeanor. This sentence shall be in addition to any other sentence.

Federal law makes it a crime punishable by up to 10 years of imprisonment, and a \$250,000 fine or both to obstruct a criminal investigation. It is a crime punishable by up to ten years of imprisonment, and a \$250,000 fine or both to tamper with a witness, victim or informant; to retaliate or attempt to retaliate against a witness, victim or informant; or to intimidate or attempt to intimidate a witness, victim, juror, informant, or officer of the court. The penalties for tampering, retaliation, or intimidation are significantly more serious if they involve a killing or attempted killing.

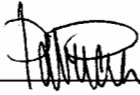
If after release, you knowingly fail to appear as required by the conditions of release, or to surrender for the service of sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

- (1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more, you shall be fined not more than \$250,000 or imprisoned for not more than year years, or both;
- (2) an offense punishable by imprisonment for a term of five years or more, but less than fifteen years, you shall be fined not more than \$250,000 or imprisoned for not more than five years, or both;
- (3) any other felony, you shall be fined not more than \$250,000 or imprisoned not more than two years, or both;
- (4) a misdemeanor, you shall be fined not more than \$100,000 or imprisoned not more than one year, or both.

A terms of imprisonment imposed for failure to appear or surrender shall be in addition to the sentence for any other offense. In addition, a failure to appear or surrender may result in the forfeiture of any bond posted.

Acknowledgment of Defendant

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and to surrender for service any sentence imposed. I am aware of the penalties and sanctions set forth above.

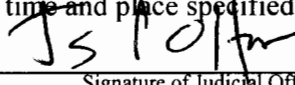


Signature of Defendant

Directions to United States Marshal

- ☒ The defendant is ORDERED released after processing.
- ☐ The United States marshal is ORDERED to keep the defendant in custody until notified by the clerk or judicial officer that the defendant has posted bond and/or complied with all other conditions for release. The defendant shall be produced before the appropriate judicial officer at the time and place specified, if still in custody.

Date: October 26, 2015



Signature of Judicial Officer

James P. O'Hara

U.S. Magistrate Judge

Name and Title of Judicial Officer